

**MINUTES OF A REGULAR VOTING MEETING OF THE**  
**FAIRFIELD PLANNING COMMISSION**

**January 23, 2013**

Scott Lepsky, Chairman, called the Regular Meeting of the Fairfield Planning Commission to order.

Members present: Scott Lepsky, Bob Myron, Mark Morris, Tom Hasselbeck and Bill Woeste.

Mark Morris, seconded by Scott Lepsky, made a motion to excuse Don Hassler and Jeff Holtegel. Motion carried 4 – 0. Mr. Hasselbeck arrived directly after roll call.

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held January 9, 2013, were approved as submitted.

**NEW BUSINESS:**

**Conditional Use Application – Junk Yard and Sales of Used Cars and Car Parts – 3385 Port Union**

Tim Bachman stated the property is zoned M-2. The Commission was shown an aerial slide of the property and other slides that showed items being stored throughout the site. The frontage is on Port Union Road but they also are leasing the rear portion of an adjacent lot which fronts on Profit Drive. Several of the slides were pictures of debris piles and old tractor trailers and cars stored at the site. The pictures came from one of our zoning inspectors who received a complaint regarding the property.

Felipe Ticacala, applicant, stated this is his fathers' business. His father has a license from the State to sell used cars and used parts. They thought if the State issued the license, they were approved; they were not aware there was a problem with zoning. It's a large lot and they try to keep it as clean as they can. They have been there for about two years and his father has invested most of his savings into the business. Mr. Ticacala asked if there was anything they could do to keep the business open. Inspectors visit their facility every few months and have made them do all kinds of things – build fences, tearing fences down, closing doors, moving things, etc. They complied every time.

Tim Bachman explained the reason for the Conditional Use Permit is car sales are not permitted in the industrial zones. Upon looking at the property, it meets the definition of a junk yard which also needs approval. The Commission has looked at and approved junk yards in the past. We asked the applicant to work with staff to clean the property up which he did. This property has a lot of items disburshed throughout the site. Mr. Bachman did not know who the items (trailers, vehicles, busses) belong to but it needs to be cleaned up. Staff is concerned with the actual sale of cars. There was a request by a neighbor to also sell cars since they saw it occurring near them. There are many auto related businesses on Port Union Road and staff does not want to see these businesses also selling cars. The other concern is the junk yard. There are cars all over the site and piles of debris that probably are not related to this business.

Mr. William Pott, owner of the property, stated the junk shown on the slides does not belong to Mr. Ticacala. Three cars and a pickup truck were being stored there by a gentleman who died. His sister is trying to get the titles to the vehicles but it's being held up in court. If titles cannot be obtained for the vehicles, Mr. Pott said he would scrap them. He also informed the Commission he will work on getting the property cleaned up. The neat part of the lot is where Mr. Ticacala has items stored. Mrs. Pott added the trailers belong to them. They closed their trucking business and are using the trailers to store items from the business.

Mr. Morris asked about the fencing and was shown chain link in the front and stockade around the remaining perimeter.

Mr. Woeste asked about the inspectors that come to the site every couple months. Mr. Pott replied they are State inspectors. They made Mr. Ticacala put the fence up from the beginning of the building and told them there could be no exit door from the sales part to the junk yard. They also asked that gravel be put down to cover the weeds growing up. Ms. Donovan stated City zoning inspectors visited the site in December and January which started this process. Felipe added the inspectors just show their badge and tell them what needs to be done. Felipe didn't know exactly where they were from.

Mr. Woeste asked about the business. Felipe responded they purchase vehicles from auctions, make the necessary repairs and then sell them. They also buy junk cars and sell the parts. Mechanic work is not offered to the general public as they are not licensed to do so. Vehicles for sale are parked in the front enclosed lot which Mr. Bachman noted do not have any type of advertising on them. When driving by, you can't tell it's a used car lot. He asked Mr. Ticacala if they could operate with no advertising on the cars and was told they could not. Mr. Lepsky pointed out that whether or not it looks like a junk yard and a used car lot, it's not permitted by zoning. Mr. Woeste stated as long as it didn't look like a used car lot, he was alright with it.

Mrs. Pott informed the Commission that once parts are removed from vehicles, Mr. Ticacala scraps the cars; they do not accumulate on the property.

Mr. Morris asked if the cars could be stored inside the building and was told there are several lifts, an office and paint booth. The only cars inside are the ones being worked on. Mr. Ticacala said they only have 10 – 15 cars at a time. If they had to, he thought they could be parked inside.

Mr. Bachman asked if car sales is needed at this property. Could they be fixed here and taken to another properly zoned lot and sold? After consulting with his father, Mr. Ticacala said not many cars are sold to the public which is why there aren't signs on them. They are fixed up and taken to an auction. Mr. Ticacala told the Commission he was worried about getting in trouble with the State since the State Inspector was very clear that the cars were to stay out front. Mr. Bachman asked Mr. Ticacala to give him the State Inspector's phone number and he would contact him. Mr. Lepsky explained the Commission would table this item until the City and the State can coordinate what needs to be done at this property.

Tom Hasselbeck, seconded by Bob Myron, made a motion to table the Conditional Use Application for 3385 Port Union Road until February 13, 2013.

Motion carried 5 – 0.

Conditional Use Review – Place 2B – 125 Cincinnati Mills Drive

Mr. Bachman explained this is the one year review for a Conditional Use Application approved in January 2012 for the Place 2B at 125 Cincinnati Mills Drive. The Place 2B is no longer in business due to a tenant/landlord situation. Mr. Clemmons informed the Commission they will need to turn the renewal down and revoke the initial conditional use approval.

Scott Lepsky, seconded by Bill Woeste, made a motion to deny an extension for the Place 2B, 125 Cincinnati Mills Drive and that the existing Conditional Use approval be revoked.

Motion carried 5 – 0.

Being no further business, the meeting adjourned.

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Scott Lepsky, Chairman

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Peggy Flaig, Clerk